

The Honorable Robert L. Lasnik

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON – SEATTLE DIVISION

DANIEL J. SOGN,

Plaintiff,

v.

ALASKA USA FEDERAL CREDIT UNION  
and CAREFUL ASSET RECOVERY  
SERVICE, INCORPORATED,

Defendants.

NO. 2:17-CV-0432 RSL

JOINT STATUS REPORT AND  
DISCOVERY PLAN

Pursuant to FRCP 26 (f) (3) and the Court's Order Regarding Initial Disclosures, Joint Status Report, and Early Settlement filed on May 15, 2017, the undersigned parties to this litigation submit the following Joint Status Report and Discovery Plan:

**1. Statement of Nature and Complexity of the Case.**

a. **Nature of Case:** This case involves an alleged breach of the peace that occurred during the course of the repossession of Plaintiff's vehicle. The facts as alleged by plaintiff are described in the complaint. Plaintiff has alleged claims under the Fair Debt Collection Practices Act

JOINT STATUS REPORT AND  
DISCOVERY PLAN [2:17-CV-0432 RSL] - 1

**Andrews • Skinner, P. S.**  
645 Elliott Ave. W., Ste. 350  
Seattle, WA 98119  
Tel: 206-223-9248 • Fax: 206-623-9050

(15 U.S.C. § 1692), the Uniform Commercial Code (RCW 62A.9A-609) and Washington's Consumer Protection Act (RCW 19.86), all of which are denied by Defendants.

b. **Complexity of Case:** The parties agree this case is not complex in terms of the number of documents at issue, the number of witnesses or the legal issues.

**2. Proposed Deadline for Joining Additional Parties**

November 15, 2017

**3. Consent to Assignment of a U.S. Magistrate Judge.**

No.

**4. Related Matters.**

None.

**5. Initial Disclosures.**

Defendant Alaska USA and Defendant Careful Asset Recovery Service, Inc. provided their Initial Disclosures to Plaintiff on June 5, 2017.

**6. Changes to Expert and Pretrial Disclosures.**

None.

**7. Proposed Discovery Plan.**

With respect to discovery, the parties have conducted a discovery conference under Rule 26(f), Fed. Civ. P.

**A. Discovery Phasing.**

The parties do not believe that any phasing or potential phasing of discovery is required.

**B. Discovery Management.**

The parties agree to manage discovery in a manner that minimizes expense. The parties

1 further agree to use the expedited procedure set forth in Local Civil Rule 37 for discovery motions  
2 whenever applicable and reasonably possible.

3 The subjects of discovery are, generally, those that are pertinent to the allegations in  
4 Plaintiff's Complaint, Defendant's affirmative defenses, and testimony of any expert witnesses  
5 identified by the respective parties.

6 **C. Third Party Discovery.**

7 There may be limited third-party discovery. However, the scope of any third party discovery  
8 depends upon how the facts develop in this case.

9 **D. Settlement Conference Before a Magistrate.**

10 The parties are willing to have a settlement conference before a Magistrate.

11 **E. Abbreviated Pretrial Order.**

12 The parties are willing to use an abbreviated pretrial order.

13 **8. Preservation of Information.**

14 The parties agree to preserve any discoverable information.

15 **9. ESI.**

16 Due to the nature of the claim, which is not anticipated to involve complicated ESI  
17 discovery issues, the parties propose that if any request for electronically stored information (ESI)  
18 is made by either party, the parties agree to confer with each other as soon as feasible after such  
19 request is made and prior to the time any response or objection is due, regarding the nature and  
20 type of ESI requested, the requested form of production and any party's objections to the requested  
21 ESI or the requested form of production. Neither party waives the right to seek a protective order  
22

1 regarding any discovery request, including the nature and type of any ESI requested or the  
2 requested form of production.

3 **10. Privilege and Work-Product.**

4 The parties agree that communications between litigation counsel and their clients  
5 regarding this lawsuit or the claims asserted are privileged communications and need not be  
6 included in a privilege log. Otherwise, there are no special privilege issues anticipated. If the  
7 possibility of a privilege issue develops into reality, both sides reserve all of their rights in regards  
8 to the positions they may take on such discovery and documents of protection from discovery. The  
9 parties presently believe that if any issues of that nature develop, they will be able to address and,  
10 with reasonable likelihood of success, resolve them by conferences of counsel.

11 **11. Inadvertent Disclosure of Privileged Information.**

12 The parties have not formed an agreement on any specific procedures should there be an  
13 inadvertent disclosure of privileged information beyond the general points that they are mindful  
14 of being subject to Rule 26(b)(5)(B) if there is such disclosure. Based on their experience and  
15 familiarity with each other, they would promptly address by conference of counsel any such  
16 developments and they believe there is reasonable likelihood that any issue would be resolved by  
17 such conferences.

18 **12. Changes to Limitations on Discovery.**

19 The parties are generally in agreement that it is unnecessary to make any changes to  
20 limitations on discovery, with one exception. Plaintiff proposes modifying FRCP 30(a)(2)(i) and  
21 (d)(1) to reduce the usual 70 hour limit on depositions per side to 50 hours, with no numeric  
22 limitation. Plaintiff seeks this modification because there could be a quantity of smaller

depositions necessary for plaintiff to take in this case. Defendant prefers to retain the 10 deposition/70 hour limitations found in FRCP 30(a)(2)(i) and (d)(1), as the numeric limitation requires the parties to prioritize depositions. The parties are prepared to address this modification to the deposition procedure in a separate motion if requested by the court.

**13. Discovery Cutoff.**

May 18, 2018.

**14. Bifurcation and Phasing of Issues.**

The parties do not at present have any suggestions of this type.

**15. Alternative Dispute Resolution.**

The parties agree that mediation is the appropriate form of ADR as described under Local Rule CR 39.1. The parties would propose conducting mediation in this lawsuit not later than June 1, 2018.

**16. The Month the Case Will be Ready for Trial.**

The parties believe the case will be ready for trial in August 2018.

**17. Jury or Bench Trial.**

Jury.

**18. Trial Days.**

The parties believe this case will require seven trial days.

**19. Corporate Disclosures**

Defendant Careful Asset Recovery Service, Inc. filed its disclosure statement on June 5, 2017. Defendant Alaska USA filed its disclosure statement on May 30, 2017.

1 DATED this 12<sup>th</sup> day of June, 2017.

2 ANDREWS ▪ SKINNER, P.S.

3 By s/ Karleen J. Scharer

4 STEPHEN G. SKINNER, WSBA #17317  
5 KARLEEN SCHARER, WSBA #48101  
6 645 Elliott Ave. W., Suite 350, Seattle, WA 98119  
7 206-223-9248 | Fax: 206-623-9050

8 Email: [stephen.skinner@andrews-skinner.com](mailto:stephen.skinner@andrews-skinner.com)

9 Karleen.scharer@andrews-skinner.com

10 Attorneys for Defendants

11 DATED this 12<sup>th</sup> day of June, 2017.

12 TRUEBLOOD LAW FIRM

13 By s/ Alexander B. Trueblood

14 ALEXANDER B. TRUEBLOOD, WSBA #50612  
15 1700 7<sup>TH</sup> Ave., Ste. 2100, Seattle, WA 98101  
16 Tele: 206-707-9685 | Fax: 206-832-4676

17 Email: [alec.trueblood@truebloodlawfirm.com](mailto:alec.trueblood@truebloodlawfirm.com)

18 Attorney for Plaintiff

**CERTIFICATE OF SERVICE**

I hereby certify that on June 12, 2017 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all attorneys of record.

ANDREWS ▪ SKINNER, P.S.

By s/ Karleen J. Scharer  
STEPHEN G. SKINNER, WSBA #17317  
KARLEEN SCHARER, WSBA #48101  
645 Elliott Ave. W., Suite 350, Seattle, WA 98119  
206-223-9248 | Fax: 206-623-9050  
Email: [stephen.skinner@andrews-skinner.com](mailto:stephen.skinner@andrews-skinner.com)  
[Karleen.scharer@andrews-skinner.com](mailto:Karleen.scharer@andrews-skinner.com)  
Attorney for Defendants